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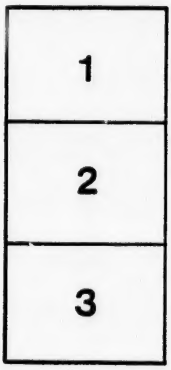

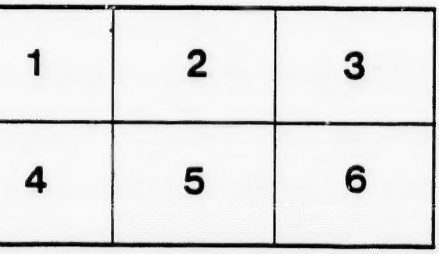

amended
Sept. 10 1873
under order of the

IN CHANCERY.

BETWEEN

William Richard Doan, and Ellen Melissa Sanders, wife of the defendant, Samuel Sanders, *Plaintiffs,*

AND

Margaret Davis and Charles Davis, her husband, Samuel Sanders and Sarah Ann Doan, John Daniel Doan, Joseph Doan and Mary Jane Doan, the last four named being infants under the age of 21 years, *Defendants.*

CITY OF LONDON.

To the Honorable the Judges of the Court of Chancery.

The amended Bill of Complaint of William Richard Doan, of the Village of Ailsa Craig, in the County of Middlesex, railway servant, and Ellen Melissa Sanders, of the Town of St. Thomas, in the County of Elgin, wife of the Defendant, Samuel Sanders, the above named plaintiffs,

HUMBLY SHEWETH.

1. In or about the month of September, in the year of our Lord 1864, one James J. Doan, of the said Village of Ailsa Craig, yeoman, the father of your Complainants and of the Defendants, Sarah Ann Doan, John Daniel Doan, Joseph Doan and Mary Jane Doan, departed this life at the said Village of Ailsa Craig, intestate, leaving him surviving your Complainants, William Richard Doan and Ellen Melissa Sanders, then Ellen Melissa Doan, his children by his first wife, and the said Defendants, Sarah Ann Doan, John Daniel Doan, Joseph Doan and Mary Jane Doan, his children by his widow, the Defendant, Margaret Davis, then Margaret Doan, who also survived him.

2. At the time of his death, the said James J. Doan was seized in fee simple of village lots numbers 74 and 75, fronting on the town line between the Townships of McGillivray and Williams, in the said Village of Ailsa Craig, upon which was erected a hotel and stables, the whole being subject to a mortgage to one Joshua C. Langstaff, for the sum of $800.00, or thereabouts, which Mortgage has since been paid off and discharged; and the said James J. Doan was also the equitable owner of a village lot adjoining the above, being village lot number 75, fronting on George Street, in the said Village of Ailsa Craig, which he had purchased from one William J. Shipley shortly before his death, and paid for in full, but which had not been conveyed to him; the legal estate remaining in the said William J. Shipley and the said James J. Doan was also seized in fee simple of one acre of land with a house thereon, situate in the Township of South Dorchester, in the County of Elgin, being a part of the North half of lot number 24, in the tenth concession of the said Township of South Dorchester, described as follows, that is to say: Commencing at the north-west angle of the said lot, then easterly on the concession line 12 and a half rods, thence southerly parallel with the town line 13 rods, thence westerly parallel with the concession line 12 and a half rods to the town line road, then northerly along the road allowance 13 rods, to the place of beginning; and the said James J. Doan was also possessed of personal property of considerable value.

3. On the thirtieth day of September, in the year of our Lord 1864, the said Defendant, Margaret Doan, was duly appointed by the Surrogate Court of the County of Middlesex, being the proper court in that behalf, to be the administratrix of the said James J. Doan, deceased, and she now is the proper personal representative of the said James J. Doan, deceased.

4. Shortly after the death of the said James J. Doan, the Defendant, Margaret Davis, with full notice and knowledge that the said James J. Doan had been at the time of his death the equitable owner of the said village lot number 75, fronting on George Street, procured a conveyance of the legal estate thereof to be made by the said William J. Shipley to her, the said Defendant, Margaret Davis, then Margaret Doan, and her heirs, and caused the same to be registered, and she now claims to be the absolute owner of the said village lot number 75, fronting on George Street, in fee simple.

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5. In or about the month of October, in the year of our Lord 1864, the said Defendant, Margaret Davis, was married to the Defendant, Charles Davis.

6. The said Detendant, Margaret Davis, collected and received all the personal estate and effects of the said James J. Doan, deceased, and has been in the possession of the whole of the said real estate ever since the death of the said James J. Doan, and in receipt of the rents and profits thereof, and has applied a portion thereof in payment of the debts of the said James J. Doan, deceased, and has supported herself and her children, the said infant Defendants, out of the said personal estate and rents, and has refused to account to your Complainants for their share of the same, although frequently requested so to do.

7. Your Complainant, Ellen Melissa Sanders, was married to the Defendant, Samuel Sanders, after the death of her father, the said James J. Doan, deceased.

8. Your Complainants claim to be entitled, as 2 of the children and heirs-at-law of the said James J. Doan, deceased, each to one undivided one-sixth part of the said real estate, of which the said James J. Doan died possessed, subject to the dower of the said Defendant, Margaret Davis, and also to a like share of the said rents and profits received by the said Margaret Davis, after allowing all proper payments and deductions therefrom.

9. The said lots cannot conveniently be portioned amongst the persons interested therein.

10. The defendants, Sarah Ann Doan, John Daniel Doan, Joseph Doan and Mary Jane Doan are infants under the age of Twenty one years

Your Complainants therefore pray :—

1. That it may be declared that your Complainants and the said infant Defendants are entitled in equal shares to the said village lot number 75, fronting on George Street, in the said Village of Ailsa Craig, subject to the dower therein, of the defendant, Margaret Davis.

2. That the whole of the lands of which the said James J. Doan, deceased, died possessed, may be sold by and under the direction of this Honorable Court, and the proceeds thereof divided amongst the persons entitled thereto in proportion to their respective interests therein.

3. That an account may be taken of the personal estate and effects of the said James J. Doan, deceased, come to the hands of the said Defendant Margaret Davis, and of the disposition thereof made by her.

4. That an account may be taken of the rents and profits of the said real estate since the death of the said James J. Doan, deceased, received, or which might have been received, by the said Margaret Davis.

5. That your Complainants may be paid their costs of this suit.

6. That for the purposes aforesaid all proper directions may be given and accounts taken.

7. That your Complainants may have such other and further relief as to your Lordship may seem meet.

And your Complainants will ever pray.